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8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA**

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11 **STANFORD HOSPITAL & CLINICS and**
 12 **LUCILE PACKARD CHILDREN'S**
 13 **HOSPITAL**

14 **Case No: C-07-5158-MMC**

15 **Petitioners,**
 16 **v.**
SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL 715

17 **MOTION FOR CHANGE OF**
INTRADISTRICT ASSIGNMENT
[CIVIL L.R. 3-2]

18 **Respondent.**

Judge: Hon. Maxine M. Chesney

19 Petitioners Stanford Hospital & Clinics and Lucile Packard Children's Hospital (the
 20 "Hospitals") hereby move to change the intradistrict assignment of the above-captioned case.

21 The intradistrict assignment of actions is governed by Civil Local Rule 3-2. That rule
 22 provides that, except for certain categories of cases not applicable here, "upon initial filing, all
 23 civil actions and proceedings for which this district is the proper venue shall be assigned by the
 24 Clerk to a Courthouse serving the county in which the action arises. A civil action arises in the
 25 county in which a substantial part of the events or omissions which give rise to the claim
 26 occurred or in which a substantial part of the property that is the subject of the action is situated."
 27 Civil L.R. 3-2(c). Civil Local Rule 3-2 further states that "all civil actions which arise in the
 28 counties of Santa Clara, Santa Cruz, San Benito or Monterey shall be assigned to the San Jose

1 Division.” Civil L.R. 3-2(e).

2 Under Civil Local Rule 3-2(c) and (e), this case should have been assigned to the Court’s
 3 San Jose division. All of the acts and omissions that give rise to this action took place in Santa
 4 Clara County. Santa Clara County is where the Hospitals are located, where the employees at
 5 issue in the underlying arbitration work, and where the arbitration hearing was held. The
 6 respondent, Service Employees International Union, Local 715 (“Local 715”) claims Santa Clara
 7 County as the site of its office and principal place of business. In the petition that initiated this
 8 action, the Hospitals alleged that a substantial part of the acts or omissions giving rise to the
 9 action occurred in Santa Clara County, and therefore assignment to the San Jose division was
 10 proper. (Petition To Vacate Arbitration Award ¶ 4.) Local 715 admitted those allegations in
 11 full. (Answer To Petition To Vacate Arbitration Award ¶ 2.)

12 Civil Local Rule 3-2(f) provides that “[w]henever a Judge finds, upon the Judge’s own
 13 motion or the motion of any party, that a civil action has not been assigned to the proper division
 14 within this district in accordance with this rule, or that the convenience of parties and witnesses
 15 and the interests of justice will be served by transferring the action to a different division within
 16 the district, the Judge may order such transfer, subject to the provisions of the Court’s
 17 Assignment Plan.” Given that the facts that 1] the parties reside in Santa Clara County, 2] the
 18 acts and omissions giving rise to this action occurred in Santa Clara County, 3] the convenience
 19 of the parties and witnesses will be served by having the matter properly venued in Santa Clara
 20 County, and 4] Civil Local Rule 3-2(c) and (e) mandate that the assignment of the action should

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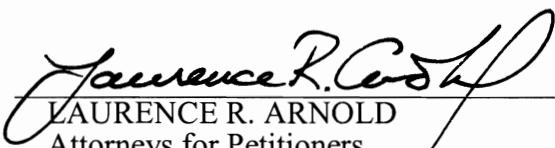
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1 be with the San Jose Division of this Court, the Hospitals believe this matter should be
2 transferred to the San Jose Division of the Northern District.

3 Dated: January 16, 2008

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7 By: 

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